



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Mahler et al.

Serial No.: 10/026,931

Filed: December 27, 2001

For: Allergy Vaccines

Art Unit: 1644

Examiner: Nolan, Patrick J.

Atty. Docket: 966927-00007

(Old S & H Docket No: 0273-0007)

**RESPONSE TO RESTRICTION/ELECTIONS**

Honorable Commissioner of  
Patents and Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed June 07, 2004, in which the Examiner required election of a single species to which the claims shall be restricted if no generic claim is finally held to be allowable, Applicants hereby provisionally elect, with traverse, the allergen Bet v 1 encompassed by claim 20. Applicants understand that this election is being made to aid the Examiner in conducting a search and examination of the claimed subject matter, and is not to be construed as limiting the scope of the claims. Applicants also understand that, if the elected subject matter is found to be allowable over the prior art, the search and examination will be expanded to cover other species, until it includes the full scope of the generic claims included in the elected group. Applicants further reserve the right to file one or more divisional applications directed to the non-elected invention(s) should this restriction requirement be made final.

Prior to considering our remarks in connection with the restriction requirement, Applicants respectfully request that the Examiner recognize previously filed new claims 22 and 23 in view of the following remarks.

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July 9, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: U.S. Patent Application No. 10/026,931  
For: Allergy Vaccines  
Inventor(s): Mahler et al.  
Attorney Docket No. 966927.00007 (0273-0007)

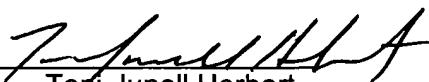
Dear Sir/Madam:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office:

1. Transmittal Letter;
2. Response to Restriction Requirement;
3. Copy of Preliminary Amendment filed on December 27, 2001;
4. Petition for Extension of Time Under 37 C.F.R. § 1.136; and
5. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and it be returned to our courier.

Respectfully submitted,

By:   
Toni-Junell Herbert  
Reg. No. 34,348

Encl.

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